

Message Text

UNCLASSIFIED POSS DUPE

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70

ACTION SMI-01

INFO OCT-01 EUR-12 ISO-00 OES-05 L-02 NSF-02 CIAE-00

INR-07 NSAE-00 COME-00 /030 W
----- 036060

R 161122Z APR 75

FM AMEMBASSY BELGRADE
TO SECSTATE WASHDC 2559
INFO AMCONSUL ZAGREB

UNCLAS BELGRADE 1854

E.O. 11652: N/A

TAGS: OSCI, YO

SUBJ: SFCP/SMITHSONIAN - SALE OF R/V PHYKOS

REF: STATE 76906

1. EMBASSY NOW HAS CONTRACT DRAFTED BY UCOVIC ON BEHALF PFEUFFER.
COPY MAILED APRIL 11 TO ROBINSON, SMITHSONIAN.

2. EMBASSY SUGGESTING TO PFEUFFER USE OF U.S. DRAFT WITH SEVERAL
NON-SUBSTANTIVE ADDITIONS TAKEN FROM UCOVIC DRAFT, E.G. PREAMBLE TO
INCLUDE LENGTH AND BEAM OF PHYKOS, PLACE AND YEAR OF CONSTRUCTION
ETC.

3. IN ADDITION TO FOREGOING, UCOVIC SEEKS TWO SUBSTANTIVE ADDITIONS
(A) CLAUSE STATING QUOTE THE SELLERS GUARANTEE THAT THE VESSEL, AT
THE TIME OF DELIVERY, IS FREE FROM ALL ENCUMBRANCES AND MARITIME LIENS

OR ANY OTHER DEBTS WHATSOEVER (EXCEPT TO THE SHIPYARD INKOBROD AT
KORCULA) UNQUOTE AND (B) CLAUSE STATING QUOTE SHOULD ANY CLAIMS WHICH
HAVE BEEN INCURRED PRIOR TO THE TIME OF DELIVERY (OR IF SMITHSONIAN
PREFERS, TWO YEARS PRIOR TO TIME OF DELIVERY) BE MADE AGAINST THE
VESSEL, SAVE AS EXPRESSLY AGREED BETWEEN THE PARTIES HERETO, THE
SELLERS HEREBY UNDERTAKE TO INDEMNIFY THE BUYER AGAINST ALL
CONSEQUENCES OF SUCH CLAIMS. UNQUOTE.

4. CLAUSE CITED 3(B) ABOVE CONFLICTS WITH PARA 6 REFTL AND EMBASSY
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WOULD APPRECIATE EARLIEST SMITHSONIAN RESPONSE CONTAINING MINIMUM
NEEDS.)

EMBASSY SUGGESTS THAT SMITHSONIAN TAKE INTO ACCOUNT FACT THAT THEY
NOW HAVE CLAIM AGAINST PHYKOS APPROACHING 50,000 DOLLARS AND, IN
ABSENCE OF BUYER, WOULD HAVE NO ONE TO HOLD SMITHSONIAN HARMLESS. THUS,

EVEN WITH INSERTION OF LANGUAGE IN 3 (B) ABOVE, AND DELETION WORDING
IN PARA 6 REFTTEL, SMITHSONIAN WOULD BE BETTER OFF BY AMOUNT OF
PURCHASE PRICE OF PHYKOS.
TOON

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